

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KIMBERLY MORELAND,

Plaintiff,

-v-

Case No. 12-C-1125

**JEH JOHNSON,¹
Secretary of the Department of
Homeland Security,**

Defendant.

ORDER

This action was commenced by Plaintiff Kimberly Moreland (“Moreland”) proceeding pro se against the Secretary. On November 26, 2013, Napolitano filed a motion for judgment on the pleadings. (ECF No. 16.) She also filed a letter requesting that the discovery deadlines be suspended until the motion for judgment on the pleadings is decided. (ECF No. 15.)

By a November 27, 2013, text only order, the Court approved the suspension of discovery deadlines and directed the parties to follow Civil Local Rule 7 (E.D. Wis.) regarding the briefing of the Secretary’s motion. On December 11, 2013, Dennis L. Friedman filed a notice of appearance on behalf of Moreland. (ECF No. 19.)

Despite the appearance of counsel to represent Moreland, to date she has not filed

¹ Pursuant to Fed. R. Civ. P. 25(d), the Court has substituted Jeh Johnson (“Johnson”), who was sworn in as Secretary of the Department of Homeland Security (“Secretary”) on December 23, 2013, as the Defendant in lieu of the former Secretary, Janet Napolitano. See <https://www.dhs.gov/secretary-jeh-johnson> (last visited Jan. 16, 2014.)

a response to the Secretary's pending motion and the deadline for so doing has long passed. In fact, neither party has filed any document since December 11, 2013.

Moreland appears to have lost interest in prosecuting this lawsuit. Moreland is advised that Civil Local Rule 41(c) (E.D. Wis.) provides:

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.

By the stated deadline, Moreland must file any papers in opposition to the Secretary's motion for judgment on the pleadings or file a report advising the Court of the current status of this action. Failure to comply with this Order will result in dismissal of his action for failure to prosecute.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

On or before February 11, 2014, Moreland must file any papers in opposition to the Secretary's motion for judgment on the pleadings or report advising the Court of the current status of this action.

Failure to file such paper(s) by the stated deadline will result in dismissal of this action for failure to prosecute.

Dated at Milwaukee, Wisconsin, this 17th day of January, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge